
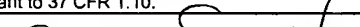


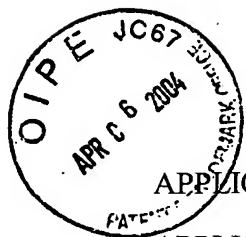


000177 TO Rev. 10/95		U.S. Department of Commerce Patent and Trademark Office		Application Number	<b>10/731,068</b>
<div style="text-align: center;"> <b>TRANSMITTAL FORM</b>   <i>(to be used for all correspondence during pendency of              filed application)</i> </div>				Filing Date	<b>December 8, 2003</b>
				First Named Inventor	<b>Thomas J. Maginot</b>
				Group Art Unit Number	<b>3738</b>
				Examiner Name	<b>Not Yet Known</b>
				Total Number of Pages in This Submission	<b>8*</b>

<b>ENCLOSURES</b> <i>(check all that apply)</i>	
<input type="checkbox"/> Fee Transmittal Form (in duplicate) <div style="margin-left: 40px;"><input type="checkbox"/> Check Enclosed</div> <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Response to Notice to File Missing Parts <input type="checkbox"/> Assignment & Recordation Cover Sheet <input type="checkbox"/> Declaration <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Application Data Sheet <input checked="" type="checkbox"/> Information Disclosure Statement & PTO/SB/08A <div style="margin-left: 40px;"><input checked="" type="checkbox"/> Copies of IDS Cited References</div> <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Request for Correction of Recorded Assignment <input type="checkbox"/> Amendment/Response: [    ] Page(s) <div style="margin-left: 40px;"><input type="checkbox"/> After Final</div> <input type="checkbox"/> Status Request <input type="checkbox"/> Revocation and Substitute Power of Attorney	<input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Letter to Chief Draftsperson <input type="checkbox"/> Formal Drawing(s): <div style="margin-left: 40px;">[    ] Sheet(s) of Figure(s) [    ]</div> <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <div style="margin-left: 40px;"><i>(Appeal Notice, Brief, Reply Brief)</i></div> <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____
<b>REMARKS:</b> * No. of pages does not includes pages of cited references	

SIGNATURE OF ATTORNEY OR AGENT			
Signature:			
Attorney/Reg. No.:	Albert C. Smith/Reg. No. 20,355	Dated:	4/2/04

<b>CERTIFICATE OF MAILING</b>			
I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.			
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Thomas J. Maginot  
APPLICATION NO.: 10/731,068  
FILING DATE: December 8, 2003  
TITLE: Bypass Grafting Method  
EXAMINER: Not Yet Known  
GROUP ART UNIT: 3738  
ATTY. DKT. NO.: 22220-08641

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Dated: 4/2/04 By: Albert C. Smith  
Albert C. Smith, Reg. No.: 20,355

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**  
**Under 37 CFR §§ 1.56 and 1.97-98**

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner. Enclosed is a copy of each listed non-patent reference that may be material to the examination of this application, and for which there may be a duty to disclose.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

- ☒ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;
- ☐ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;

- ☐ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR §1.113; or (2) an action that otherwise closes prosecution in the application, and:
  - ☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
  - ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
    - ☐ each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
    - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry<sup>2</sup>, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;
- ☐ on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; (2) a notice of allowance under 37 CFR § 1.311; or (3) an action that otherwise closes prosecution in the application, and:
  - ☐ Applicant certifies pursuant to 37 CFR. § 1.97(e) that:
    - ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; or
    - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this

**PATENT**

certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND

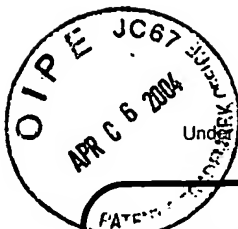
- ☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
- ☐ after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- ☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. APPLICATION NO., filed on DATE FILED, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).
- ☒ Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,  
THOMAS J. MAGINOT

Dated: 9/2/04

By: Albert C. Smith  
Albert C. Smith, Reg. No.: 20,355  
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Fax.: (650) 938-5200



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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				<b>Complete if Known</b>	
				Application No.	10/731,068
				Filing Date	December 8, 2003
				First Named Inventor	Thomas J. Maginot
				Art Unit	3738
				Examiner Name	Not Yet Known
Sheet	1	of	4	Attorney Docket Number	22220-08641

U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Document No. Number – Kind Code <sup>2</sup> (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A1	US-2,935,068	05-03-1960	Donaldson
	A2	US-3,435,824	04-01-1969	Gamponia
	A3	US-3,516,408	06-23-1970	Montanti
	A4	US-3,657,744	04-25-1972	Ersek
	A5	US-3,710,777	01-16-1973	Sparks
	A6	US-3,866,247	02-18-1975	Sparks, deceased
	A7	US-3,908,663	09-30-1975	Viek
	A8	US-4,061,134	12-06-1977	Samuels et al.
	A9	US-4,118,806	10-10-1978	Porier et al.
	A10	US-4,190,909	03-04-1980	Ablaza
	A11	US-4,366,819	01-04-1983	Kaster
	A12	US-4,368,736	01-18-1983	Kaster
	A13	US-4,441,215	04-10-1984	Kaster
	A14	US-4,523,592	06-18-1985	Daniel
	A15	US-4,553,542	11-19-1985	Schenck et al.
	A16	US-4,577,631	03-25-1986	Kreamer
	A17	US-4,577,631	03-25-1986	Kreamer
	A18	US-4,617,932	10-21-1986	Kornberg
	A19	US-4,743,251	05-10-1988	Barra
	A20	US-4,743,251	05-10-1988	Barra
	A21	US-4,747,407	05-31-1988	Liu et al.
	A22	US-4,769,029	09-06-1988	Patel
	A23	US-4,776,337	10-11-1988	Palmaz
	A24	US-4,787,899	11-29-1988	Lazarus
	A25	US-4,830,003	05-16-1989	Wolff et al.

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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				Application No.	10/731,068
				Filing Date	December 8, 2003
				First Named Inventor	Thomas J. Maginot
				Art Unit	3738
				Examiner Name	Not Yet Known
Sheet	2	of	4	Attorney Docket Number	22220-08641

U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Document No. Number – Kind Code <sup>2</sup> (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A26	US-4,856,516	08-15-1989	Hillstead
	A27	US-4,872,874	10-10-1989	Taheri
	A28	US-4,890,612	01-02-1990	Kensey
	A29	US-5,035,702	07-30-1991	Taheri
	A30	US-5,156,619	10-20-1992	Ehrenfeld
	A31	US-5,234,447	08-10-1993	Kaster et al.
	A32	US-5,287,861	02-22-1994	Wilk
	A33	US-5,330,451	07-19-1994	Gabbay
	A34	US-5,336,233	08-09-1994	Chen
	A35	US-5,366,462	11-22-1994	Kaster et al.
	A36	US-5,562,726	10-08-1996	Chuter
	A37	US-6,387,119B2	05-14-2002	Wolf et al.

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> – Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T <sup>6</sup>
	B1	EP 0539237A1	04-28-93	Cook Incorporated	

OTHER REFERENCES – NON-PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>6</sup>	
	C1	Cosgrove, D.M., <i>Management of the Calcified Aorta; An Alternative Method of Occlusion</i> , Ann Thorac Surg. 36; 1983, pp. 18-719		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

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<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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		Filing Date	December 8, 2003		
		First Named Inventor	Thomas J. Maginot		
		Art Unit	3738		
		Examiner Name	Not Yet Known		
Sheet	3	of	4	Attorney Docket Number	22220-08641

OTHER REFERENCES – NON-PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>6</sup>
	C2	D'Agincourt, L., <i>Stents Aid PTA in Battle to Reduce Restenosis Rates</i> ; Diagnostic Imaging, July 1991; pp. 106-113	
	C3	Erath, H.G. et al., <i>Balloon Catheter Occlusion of the Ascending Aorta</i> , Ann thorac Surg. 35; 1983, pp. 560-561	
	C4	Foster, J.H. et al., <i>Proximal Control of Aorta with a Balloon Catheter</i> , Surg. Gynecology & Obstetrics; 1971, pp. 693-694	
	C5	Katzen, B.T., <i>Refinements Widen Utility of Interventional Devices</i> ; Diagnostic Imaging, May 1991; pp. 100-107	
	C6	Lumley, John S. P., <i>Color Atlas of Vascular Surgery</i> , published by Wolfe Medical Publishers Ltd. of Baltimore, Maryland; 1986; pp. 9-41; 172-185	
	C7	Mirich, D. et al., <i>Percutaneously Placed Endovascular Grafts for Aortic Aneurysms: Feasibility Study</i> ; Radiology, 170; 1989, pp. 1033-1037	
	C8	Palmaz, J.C. et al., <i>Placement of Balloon-expandable Intraluminal Stents in Iliac Arteries: First 171 Procedures</i> ; Radiology, 174; 1990; pp. 969-975	
	C9	Rosch, J. et al., <i>Experimental Intrahepatic Portacaval Anastomosis: Use of Expandable Gianturco Stents</i> ; Radiology, 162, 1987; pp. 481-485	
	C10	Rutherford, Robert B., <i>Vascular Surgery</i> ; W.B. Saunders Company, Harcourt Brace Jovanovich, Inc. (Philadelphia); 1989; pp. 404-408; 450-460; 667-691	
	C11	Sigwart, U. et al., <i>Intravascular Stents to Prevent Occlusion and Restenosis After Transluminal Angioplasty</i> ; New England Journal of Medicine, 316(12); 1987, pp. 701-706	

Other Information U.S. Issued Patents by Thomas Maginot				
Examiner Initials*	Cite No. <sup>1</sup>	Document No.	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	D1	US-5,211,683	05-18-1993	Thomas Maginot
	D2	US-5,304,220	04-19-1994	Thomas Maginot
	D3	US-5,456,712	10-10-1995	Thomas Maginot

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22220/08626/DOCS/1425020.1

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				Filing Date	December 8, 2003
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Sheet	4	of	4	Attorney Docket Number	22220-08641

Other Information U.S. Issued Patents by Thomas Maginot				
Examiner Initials*	Cite No. <sup>1</sup>	Document No. Number – Kind Code <sup>2</sup> (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	D4	US-5,571,167	11-05-1996	Thomas Maginot
	D5	US-5,749,375	05-12-1998	Thomas Maginot
	D6	US-5,934,286	08-10-1999	Thomas Maginot
	D7	US-5,979,455	11-09-1999	Thomas Maginot
	D8	US-6,401,721B1	06-11-2002	Thomas Maginot
	D9	US-6,599,313B1	07-29-2003	Thomas Maginot

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